



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Joseph A. Rothnagel, et al.

Examiner: T. McKelvey

Serial No.: 09/880,253

Art Unit: 1636

Filed: June 13, 2001

Docket: 13711

For: EXPRESSION MODULATING
SEQUENCES

Dated: May 4, 2004

Confirmation No. 7342

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 C.F.R. §1.121


Sir:

In response to the Office Action December 4, 2003, Applicants respectfully submit the following amendments for entry in the above-identified case.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 4, 2004.

Dated: May 4, 2004



Frank S. DiGiglio

1636

COMBINED AMENDMENT & PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) (Small Entity)			Docket No. 13711		
In Re Application Of: Joseph A. Rothnagel, et al.					
Serial No. 09/880,253		Filing Date June 13, 2001	Examiner T. McKelvey	Group Art Unit 1636	
Invention: EXPRESSION MODULATING SEQUENCES					
<u>TO THE COMMISSIONER FOR PATENTS:</u>					
This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of <u>December 4, 2003</u> in the above-identified application. <div style="text-align:center"><i>Date</i></div>					
The requested extension is as follows (check time period desired): <div style="display:flex; justify-content:space-between; align-items:center"><div><input type="checkbox"/> One month</div><div><input checked="" type="checkbox"/> Two months</div><div><input type="checkbox"/> Three months</div><div><input type="checkbox"/> Four months</div><div><input type="checkbox"/> Five months</div></div> <div style="display:flex; justify-content:space-between; align-items:center"><div>from: <u>March 4, 2004</u> <div style="text-align:center"><i>Date</i></div></div><div>until: <u>May 4, 2004</u> <div style="text-align:center"><i>Date</i></div></div></div>					
A verified statement of small entity status as a small entity under 37 CFR 1.27: <div><input type="checkbox"/> is enclosed.</div> <div><input checked="" type="checkbox"/> has already been filed in this application.</div>					
The fee for the amendment and extension of time has been calculated as shown below:					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	87 -	137 =	0	x \$9.00	\$0.00
INDEP. CLAIMS	9 -	9 =	0	x \$43.00	\$0.00
FEE FOR AMENDMENT					\$0.00
FEE FOR EXTENSION OF TIME					\$210.00
TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME					\$210.00
05/07/2004 MBERHE 00000125 09880253 01 FC:2252 210.00 OP					

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Small Entity)**

Docket No.
13711

The fee for the amendment and extension of time is to be paid as follows:

- ☒ A check in the amount of **\$210.00** for the amendment and extension of time is enclosed.
- ☐ Please charge Deposit Account No. _____ in the amount of **\$0.00**
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **19-1013/SSMP**
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **19-1013/SSMP**


Signature

Dated: May 4, 2004

Frank S. DiGiglio
Registration No. 31,346
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

I certify that this document and fee is being deposited
on May 4, 2004 with the U.S. Postal Service
as first class mail under 37 C.F.R. 1.8 and is addressed to
the Commissioner for Patents, P.O. Box 1450, Alexandria,
VA 22313-1450.


Signature of Person Mailing Correspondence

Frank S. DiGiglio

Typed or Printed Name of Person Mailing Correspondence

cc: FSD/XZ:ab